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| JONES DAY 222 EAST 41ST ST NEW YORK, NY 10017 | | | EXAMINER D'ANIELLO, NICHOLAS P | |
| | | | ART UNIT 1793 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/533,314

Applicant(s)

STEBBING ET AL.

Examiner

Nicholas P. D'Aniello

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 2 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

NOTE TO APPLICANT: All of the rejections have been maintained; see Response to Arguments for clarification.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Araya (International Publication No. WO 01/94512) in view of Swift et al. (US Patent No. 5,478,500) and Aldcroft et al. (International Publication No. WO 00/12669).

Araya teaches a zeolite detergent composition comprising an aluminosilicate and salt slurry identical to parts (a) and (b) of independent claim 1 (see page 1 line 33 - page 2 line 10, page 5 lines 7-27, and claim 1). The difference in the instant claim is part (c) requiring silica having a surface area greater than 500 m²/g and pore volume of less than 2.1 cm³/g. However, it would have been obvious in the art to include particulate silica in the composition of Araya et al. because Swift et al. teaches the use of silica to prevent the agglomeration (added as a flow aid) in the preparation of detergents (column 13, lines 28-33) but is silent regarding the silica's surface area and pore volume. However, it would have been obvious in the art to employ silica with a surface area greater than 500 m²/g and pore volume of less than 2.1 cm³/g in the modified composition of Araya et al. because Aldcroft et al. teaches a granular

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composition particularly suitable for incorporation in washing powder formulations which is amorphous silica that has a surface area of at least $550 \text{ m}^2/\text{g}$ and pore volume between 1 and 2.5 ml/g (cm^3/g) which disintegrates when dissolved in water (see abstract and claim 1 of Aldcroft et al.).

In regard to claim 2, Araya teaches that sodium is a suitable ion for the first metal moiety, M (page 3, lines 6-16).

Regarding claim 3, Araya teaches that the aluminosilicate is a zeolite P, zeolite A or zeolite X (see claim 3 of Araya).

Re claim 4, Araya teaches that aluminum is a suitable ion for the second metal salt (page 3, lines 6-16).

Re claim 5, Araya teaches that 5 to 9 is the preferred pH for the aqueous composition (page 4, lines 10-14).

Re claim 6, Araya teaches that the average particle size of the zeolites is between 0.1 and 20 microns (page 3, lines 28-31).

Re claim 7, in Example 4 on page 13 Araya teaches a suitable composition for the slurry where 35% by weight is the zeolite (alumina silicate).

Re claim 8, Aldcroft et al. teaches that the surface area of the silica preferably has a surface area above $600 \text{ m}^2/\text{g}$ (page 3, lines 36-38).

Re claim 9, Aldcroft et al. teaches that the pore volume is as low as 1 ml/g (cm^3/g) (abstract, page 3, lines 5-11).

Re claim 10, Swift et al. teaches adding silica with a particle size between 1 and 3 microns as a flow agent (column 13, lines 28-33).

Re claim 11, Swift et al. teaches adding about 0.1% to about 1.5% by weight silica as a flow agent (column 13, lines 28-33).

Re claim 12, in Example 4 on page 13 Araya teaches a suitable metal salt is aluminum sulphate.

Response to Arguments

3. The objection to claims 6, 8, 9 and 10 has been withdrawn in view of the amendment.
4. In response to applicant's argument that Swift et al. (US Patent No. 5,478,500) and Aldcroft et al. (International Publication No. WO 00/12669) are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, although the references are directed toward a granular composition, they are in the same field of applicant's endeavor (i.e. detergent compositions) and are directed towards the same problem (modifying the flow characteristics). Moreover, where a slurry such as the detergent composition of the primary reference, Araya (International Publication No. WO 01/94512 see page 1, 3rd paragraph) is composed of granular solids in an aqueous medium (a slurry), the granular solids being manipulated to modify the properties (such as the flow characteristics taught by Swift et al. (column 13, lines 28-33)) of the formulation.

5. Additionally, the granular compositions of Aldcroft et al. and Swift et al. are utilized as *stabilized slurries* when they are disposed in an aqueous medium (water) during usage as detergents (see column 6, lines 23-40 of Aldcroft et al. and claim 1 of Swift et al.).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas P. D'Aniello whose telephone number is (571)270-3635. The examiner can normally be reached on Monday through Thursday from 8am to 5pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NPD
6/19/2008

/Jerry A Lorengo/
Supervisory Patent Examiner, Art
Unit 1793